

41426-C/JPW/SHS

In re application of: Ron S. Israeli, et al.

Serial No.: 08/466,381 Examiner: S. Gucker

Filed: June 6, 1995 Group Art Unit: 1645

For: PROSTATE-SPECIFIC MEMBRANE ANTIGEN

March 20, 2000

HONORABLE ASSISTANT COMMISSIONER FOR PATENTS
Washington, D.C. 20231

S I R:

Transmitted herewith is an amendment to the above-identified application.

Small entity status of this application under 37 C.F.R. § 1.9 and § 1.27 has been established by a verified statement previously submitted.

a verified statement to establish small entity status under 37 C.F.R. § 1.9 and § 1.27 is enclosed.

No additional fee is required.

The filing fee is calculated as follows:

	NUMBER AFTER AMENDMENT	HIGHEST NUMBER PREVIOUSLY PAID FOR	NUMBER OF EXTRA CLAIMS PRESENTED	RATE		FEE	
				SMALL ENTITY	OTHER ENTITY	SMALL ENTITY	OTHER ENTITY
Total Claims	12	- * 105	= *** 0	x \$ 9.00	\$ 18.00	=	0
Independent Claims	6	- ** 7	= *** 0	x \$ 39.00	\$ 78.00	=	0
Multiple Dependent Claims(s) Presented	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No			\$130.00	\$260.00	\$130.00	
For First Time:				TOTAL ADDITIONAL FEE \$ 130.00			

*If the "HIGHEST NUMBER PREVIOUSLY PAID FOR" is less than 20, write "20" in this space.

**If the "HIGHEST NUMBER PREVIOUSLY PAID FOR" is less than 3, write "3" in this space.

***If the difference between the "NUMBER AFTER AMENDMENT" and the "HIGHEST NUMBER PREVIOUSLY PAID FOR" is less than "0", write "0" in the space.

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Amendment Transmittal Letter
Page Two

The "HIGHEST NUMBER PREVIOUSLY PAID FOR" (Total or Independent) is the highest of the "NUMBER AFTER AMENDMENT" in any prior amendment or the number of claims as originally filed.

Please charge Deposit Account No. _____
in the amount of \$ _____.

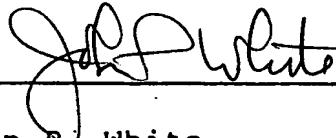
A check in the amount of \$ 1,400.00 is enclosed.

The Commissioner is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. 03-5125. Three copies of this sheet are enclosed.

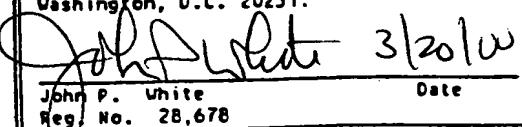
Any filing fees under 37 C.F.R. §1.16 for the presentation of extra claims.

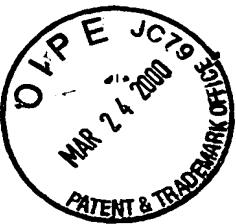
Any patent application processing fees under 37 C.F.R. §1.17.

Respectfully submitted,



John P. White
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Attorney for Applicants
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New York, New York 10036
(212) 278-0400

I hereby certify that this correspondence is being deposited this date with the U.S. Postal Service with sufficient postage as first class mail in an envelope addressed to: Assistant Commissioner for Patents Washington, D.C. 20231.	
 3/20/00	
John P. White Reg. No. 28,678	Date



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Dkt. 41426-C/JPW/SHS

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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Applicants: Ron S. Israeli et al.

Serial No.: 08/466,381

Group Art Unit: 1645

MAR 28 2000

Filed : June 6, 1995

Examiner: S Gucker

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For : PROSTATE-SPECIFIC MEMBRANE ANTIGEN

1185 Avenue of the Americas
New York, New York 10036
March 20, 2000

Assistant Commissioner for Patents
Washington, D.C. 20231
Box: AF

Sir:

**COMMUNICATION REQUESTING CONSIDERATION ON
THE MERITS OF A FIRST SUBMISSION AFTER FINAL
REJECTION AND WITHDRAWAL OF FINALITY UNDER 37 C.F.R.
§1.129(a) AND PETITION FOR A FIVE MONTH EXTENSION OF TIME**

This Communication is submitted pursuant to the provisions of 37 C.F.R. §1.129(a) to request consideration on the merits of an Amendment in Response to February 18, 1999 Final Office Action as a First Submission, attached hereto as Exhibit A, and withdrawal of finality of the February 18, 1999 Final Office Action.

On February 18, 1999, the United States Patent and Trademark Office issued a Final Office Action in connection with the above-identified application. A response to the February 18, 1999 Final Office Action was originally due on May 18, 1999. Applicants filed An Amendment in Response to the February 18, 1999 Final Office Action and a Petition for a Three Month Extension of Time on August 18, 1999. Applicants also filed a Notice of Appeal on August 18, 1999. Accordingly, an appeal brief was due on October 18, 1999. Applicants hereby request a five month extension of time. Applicants have previously established small-entity status. The fee for a five month of extension of time for a small entity is \$925.00 and under 37 C.F.R. §1.17(r) the fee for filing a submission after final

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02 FC:228
03 FC:224

345.00 0P
925.00 0P
130.30 0P

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rejection is \$345.00. Applicants enclose a check to cover these fees. Therefore, a response is due March 18, 2000. However, since March 18, 2000 is a Saturday, under 37 C.F.R. 1.7, a response is due on the next succeeding day which is not a Saturday, Sunday or Federal Holiday, i.e. Monday, March 20, 2000. Accordingly, the subject application is pending. Therefore, the Amendment in Response to February 18, 1999 Final Office Action as a First Submission, attached hereto as Exhibit 1, is now due March 18, 2000 and is being timely filed.

Under 37 C.F.R. §1.129(a), applicants in an application that has been pending for at least two years as of June 8, 1995, taking into account any reference made in such application to any earlier filed application under 35 U.S.C. 120, 121 and 365 (c), are entitled to have a First Submission entered and considered on the merits after final rejection if the First Submission and the fee set forth in §1.17(r) are filed prior to the filing of an appeal brief and prior to abandonment of the application.

For its earliest priority date, the subject application claims priority of 07/973,337 filed November 5, 1992. Therefore, taking into account this priority reference this application has been pending for at least two years as of June 8, 1995. This Communication is prior to the filing of an Appeal Brief and prior to abandonment of the subject application. Accordingly, the First Submission in Response to the February 18, 1999 Final Office Action under 37 C.F.R. §1.129(a) is being timely filed.

The fee under 37 C.F.R. §1.17(r) for consideration and entry of a first submission after a final rejection is \$345.00. As stated hereinabove, applicants enclose herewith a check which includes this fee.

Under 37 C.F.R. §1.129(a), the finality of the final rejection is automatically withdrawn upon the timely filing of the First



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Submission and the payment of the fee set forth in §1.17(r). Accordingly, applicants respectfully request that the finality of the February 18, 1999 Final Office Action be withdrawn and the Amendment in Response to May 12, 1998 Final Office Action as a First Submission, attached hereto as Exhibit 1, be considered as the First Submission.

If a telephone interview would be of assistance in advancing prosecution of the subject application, applicants's undersigned attorney invites the Examiner to telephone at the number provided below.

No fee, other than the enclosed \$1400.00 fee which includes the \$925.00 for a five month extension of time, the \$345.00 fee under 37 C.F.R. §1.17(r), and the \$130.00 are deemed necessary in connection with the filing of this Communication. However, if any additional fee is required, authorization is hereby given to charge the amount of such fee to Deposit Account No. 03-3125.

Respectfully submitted,

John P. White
Registration No. 28,678
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(212) 278-0400

I hereby certify that this correspondence is being deposited this date with the U.S. Postal Service with sufficient postage as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231.	
	3/20/00
John P. White Reg. No. 28,678	Date